



December 9, 2010

Charles C. Eblen

BY ELECTRONIC MAIL

The Honorable Madeline Cox Arleo, U.S.M.J.
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Re: Dr. Milton Prystowsky v. TGC Stores, et al.
U.S. District Court for the District of New Jersey, Civil Action No. 2:07-cv-00072
(SDW)(MCA) – Request to Extend Deadline for Defendants’ Expert Disclosures to
February 1, 2011

Dear Judge Arleo:

I am lead counsel for Defendant ADT Security Services, Inc. in the above-captioned matter. I write this letter from the hospital to request an extension of the deadline for defendants to file their expert disclosures (currently December 15, 2010). The request is based on several reasons, foremost among them being that my wife had an unplanned, emergency Cesarean section on December 5, 2010. As a result, I will not be returning to work full time until after the New Year, making it impossible to finalize expert reports in response to the twelve designated by Plaintiffs, including a one hundred and thirty page report from their alarm liability expert. In further support of this request, I would highlight the following.

First, as this Court is aware, Plaintiffs have sought and obtained countless discovery extensions related to the lift-chair identification issues that have been at the forefront of this case. ADT cooperated and consented to all of Plaintiffs half-dozen requests in the four-year life of this case. Conversely, ADT has not sought a discovery extension as, heretofore, discovery has had little to do with the alarm system, focusing instead on the identification of the lift-chair that allegedly started the fire. Plaintiffs now oppose ADT’s request to extend Defendants’ expert disclosures to February 1, 2010. They offer instead a 10-day extension until December 25, 2010 (Christmas Day).

Second, while Plaintiffs’ discovery responses in this case provided little information about what the ADT fire alarm system (which detected the fire within minutes of its inception) failed to do, Plaintiffs’ expert on this issue, Jeffrey Zwirn, authored a one hundred and thirty page report attempting to attribute liability to ADT based on theories never before raised. Finalizing responsive reports to such a lengthy document (regardless of its merits) will take significant time and cannot be reasonably expected to be completed under the circumstances.

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Third, Plaintiff has disclosed over a half-dozen additional experts and ADT must decide which others, if any, to respond to.

Finally, as briefly-mentioned, I will be working very little from now through the Holiday Season as my wife recovers from the above-referenced surgery and I care for a newborn (official medical leave will run from December 5 to December 29). . .

Thus, in light of the above circumstances, the number of extensions Plaintiffs have sought over the last four years, and ADT's cooperation in reference to same, it would be unreasonable not to afford ADT a comparatively modest extension to finalize its expert disclosures. Accordingly, ADT respectfully requests an additional 45 days, or until February 1, 2011, to finalize and file its expert disclosures.

Respectfully submitted,

SHOOK HARDY & BACON L.L.P.

By: s/ Charles C. Eblen
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